

REMARKS / ARGUMENTS

This letter is responsive to the examiner's action mailed June 13, 2005.

Pursuant to 35 U.S.C. section 103, the examiner has rejected claims 4, 6, 7-14, 27 and 28 as being unpatentable over Bland, U.S. 6,517,631. While the examiner has outlined some of the teaching of Bland, the examiner has not dealt with the problem addressed by Bland, the purpose of Bland and the intended use for the product processed in accordance with Bland.

By reference to column 1, at line 18, Bland states that the invention relates to cured consolidated combustion ash materials which have been standardized for use as normal weight and light weight aggregate for use in structural and landfill applications. It is submitted that all of the remainder of Bland details the process for producing a composition. That composition is made of a coal combustion ash component and the entire thrust of the invention is to create a material which is suitable for the aggregate use. As further clarification of this point, at column 4, line 9, the invention is summarized by pointing out that one specific goal is to produce standardized normal weight aggregate for use in road base, for use in concrete having structural masonry and insulation applications and for use in light weight aggregate applications.

Thus, it is respectfully submitted that Bland is an entirely different field using only a common starting product, that is combustion ash.

As filed, the claims in this application have been directed to a process for reactivating ash for feeding to a combustor. The examiner has not made any reference to the Bland reference showing any comment toward using the product processed according to Bland for such an end use, and it is respectfully submitted, that Bland clearly teaches away from that by suggesting that the product is to be used in road building and other similar situations as aggregate.

As it appears the examiner has not assigned any patentable weight to the preamble of the claim, the preamble of claim 27 and 28 have both been clarified. In each case, the claims have also been further clarified by adding a fourth step to the

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process involving feeding the reactivated ash to a combustor. This is clearly outside anything taught by Bland or suggested by Bland, and thus, claims 27 and 28 patentably distinguish over the Bland reference.

In making this amendment, it was noted that claim 28 previously submitted was inaccurate. Claim 28 as previously submitted was presented on the basis of being in independent form, an amalgamation of claims 1, 2 and 3 which the examiner had previously indicated were directed to patentable subject matter. In presenting claim 28, a clause was unintentionally left out of the claim. Although the examiner did not address that point, the amendment has now been made to indicate that the process includes adding a drying agent.

Claims 4, 6, 7 through 14 are all dependent on either claim 27 or claim 28 and are patentable for the reasons set out above.

The examiner has rejected claims 15 and 19 through 25 as being unpatentable under 35 U.S.C. 103 in view of Ehrlich U.S. 4, 411,879. At the same time the examiner has indicated that claims 16, 17 and 18 would be allowable if rewritten in independent form. Newly presently claim 29 is claim 16 presented in independent form and thus includes all of the limitations of former claims 15 and 16. Accordingly, in view of the examiner's indication of allowable subject matter, claim 29 is considered to be in allowable condition. The dependencies of claims 17 through 19 and 22 through 26 have been amended to depend from claim 29. As all of claims 19 through 25 are now directed to the claim having the subject matter which the examiner has indicated would be allowable, it is believed these claims are also allowable as now presented.

It is submitted that all claims as presented herewith are now in condition for allowance.

It is considered that this is fully responsive to the examiner's office action and presents the claims in allowable form including the subject matter indicated by the examiner as allowable subject matter.

In view of the number of total claims cancelled and the additional claims added, and in view of the number of independent claims cancelled and added, it is believed that

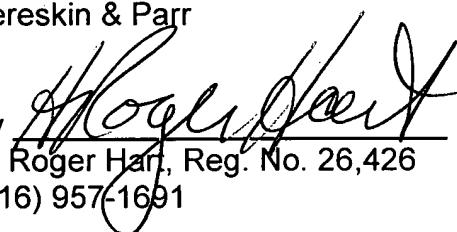
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additional fees are required to be paid for four additional claims in respect of the total number of claims. The government fee of \$100.00 is included in our firm cheque No.

7689.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
Bereskin & Parr

By 
H. Roger Hart, Reg. No. 26,426
(416) 957-1691